
OLR Bill Analysis

sHB 5031

AN ACT CONCERNING SEXUAL VIOLENCE ON COLLEGE CAMPUSES.

SUMMARY:

This bill requires public and private higher education institutions to adopt and disclose one or more policies on sexual assault and intimate partner violence. The policies must include provisions for (1) providing information to students about their options for assistance if they are victims of such violence, (2) disciplinary procedures, and (3) possible sanctions. Institutions must include the policies in their uniform campus crime report, which is produced annually and made available to students, employees, and applicants for admission.

The bill also requires such institutions, within existing budgetary resources, to offer (1) sexual assault and intimate partner violence primary prevention and awareness programming for all students and (2) ongoing prevention and awareness campaigns.

EFFECTIVE DATE: July 1, 2012

INSTITUTION POLICY

Policy Requirements

The bill requires higher education institutions to adopt and disclose one or more policies on sexual assault and intimate partner violence. Under the bill, "sexual assault" means 1st, 2nd, 3rd, and 4th degree sexual assault, as well as aggravated 1st degree sexual assault and 3rd degree sexual assault with a firearm. "Intimate partner violence" means any physical or sexual harm against an individual by a current or former spouse or by a partner in a dating relationship that results from (1) sexual assault; (2) sexual assault in a spousal or cohabiting relationship; and (3) domestic violence (which could include various crimes) and 1st, 2nd, and 3rd degree stalking. These crimes are defined

as in current law.

The policies must have a provision for giving contact information for and, if requested, professional assistance to students in accessing and using, campus, local advocacy, counseling, health, and mental health services.

The policies must also provide written information about a victim's rights to (1) notify law enforcement and receive assistance from campus authorities in making the notification and (2) obtain a protective order, apply for a temporary restraining order, or seek enforcement of an existing order. Such orders include:

1. standing criminal protective orders;
2. protective orders issued in cases of stalking, harassment, sexual assault, risk of injury to, or impairing the morals of, a child;
3. temporary restraining orders or protective orders prohibiting the harassment of a witness;
4. relief from physical abuse by a family or household member or person in a dating relationship; and
5. family violence protective orders.

Additionally, the policies must include provisions for:

1. notifying students of available assistance from the institution and reasonably available options for changing academic, living, campus transportation, or working situations;
2. honoring lawful or temporary restraining orders;
3. disclosing the range of possible sanctions that the institution may impose;
4. detailing the procedures to follow after the commission of such violence, including people or agencies to contact and information on the importance of preserving physical evidence;

and

5. summarizing the institution's disciplinary procedures.

Disciplinary Procedures

The summary of the institution's disciplinary procedures must include clear statements advising students that (1) victims can request that disciplinary proceedings begin promptly and (2) the proceedings must (a) be conducted by an official trained in issues relating to sexual assault and intimate partner violence and (b) use the preponderance of the evidence standard (i.e., whether it is more likely than not that the alleged incident occurred).

Additionally, the summary must include clear statements providing that both the victim and the accused are entitled to:

1. be accompanied to any meeting or proceeding by an advisor or support person of their choice, provided that the advisor or support person does not cause the meeting to be delayed or postponed;
2. present evidence and witnesses on their behalf;
3. be informed in writing of the results of the disciplinary proceeding no later than one business day after it concludes; and
4. have their identities kept confidential, except as necessary to carry out a disciplinary proceeding or as permitted under state or federal law.

PREVENTION AND AWARENESS PROGRAMMING

The bill requires institutions, within existing budgetary resources, to offer sexual assault and intimate partner violence primary prevention and awareness programming for all students. The programming must (1) explain the definition of consent in sexual relationships and (2) provide information on the reporting of such assaults and violence, bystander intervention, and risk reduction. Institutions must also offer ongoing prevention and awareness campaigns.

Under the bill, “awareness programming” is designed to communicate the prevalence of sexual assault and intimate partner violence, including the nature and number of cases reported at each institution in the preceding three calendar years. “Primary prevention programming” is intended to prevent such assault and violence before they occur by changing social norms and through other approaches.

COMMITTEE ACTION

Higher Education and Employment Advancement Committee

Joint Favorable Substitute Change of Reference

Yea 18 Nay 0 (03/13/2012)

Judiciary Committee

Joint Favorable

Yea 45 Nay 0 (04/02/2012)